

**General Assembly
Security Council**

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**General Assembly
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Agenda items 35 and 40**

**Security Council
Seventy-second year**

**Protracted conflicts in the GUAM area and their
implications for international peace, security
and development**

**The situation in the occupied territories
of Azerbaijan**

**Letter dated 24 October 2017 from the Permanent Representative
of Azerbaijan to the United Nations addressed to the
Secretary-General**

Upon the instructions from my Government, I have the honour to convey herewith the record of violations of the ceasefire by the Republic of Armenia in September 2017 (see annex).^{*} During the reporting period, Armenia violated the ceasefire regime 3,496 times and continued the use of large-calibre guns and heavy weaponry from its positions in the occupied territories of the Republic of Azerbaijan and from its own territory.

The continuous occupation of a large part of the territory of the Republic of Azerbaijan by the armed forces of Armenia remains the main obstacle to the settlement of the conflict and the only source of the escalation of the situation on the frontline and the occurrence of hostilities and casualties.

The sooner the Republic of Armenia withdraws its troops from the occupied territories of the Republic of Azerbaijan, the sooner peace and stability can be restored in the region.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 35 and 40, and of the Security Council.

(Signed) Yashar Aliyev
Ambassador
Permanent Representative

^{*} The annex is being circulated in the language of submission only.



Annex to the letter dated 24 October 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Armenia in September 2017*

<i>Dates</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damages</i>
1-30 September	Aghdam district, Azerbaijan			
	Afatly village	AK	2	
	Ahmadali	AK	16	
	Ahmadaghali village	AK/AKM	43	
	Ayag Garvand village	AK	6	
	Chamanly village	AK	47	
	Chiragly village	AK	47	
	Evoghlu village	AK	6	
	Mammadbaghirly village	AK/AKM	43	
	Mirashilly village	AK	27	
	Opposite positions	AK/AKM/PKM/60-mm M	114	
	Orta Garvand	AK/AKM/RPG-7v	39	
	Saryjaly village	AK/AKM	22	
	Shakhvalilar	AK	2	
	Yuzbashily village	AK	6	
	Zangishaly village	AK	45	
	Aghjabadi district, Azerbaijan			
	Gyamaddynly village	AK/AKM	98	
	Minakhorlu village	AK/AKM	38	
	Agstafa district, Azerbaijan			
	Kohna Gyshlag village	AK/AKM	27	
	Beylagan district, Azerbaijan			
	Garadaghly village	AK/AKM	19	
	Dashkasan district, Azerbaijan			
	Alkhanchally village	AK/AKM/DShK	26	
	Opposite positions	AK	4	
	Tazakand village	AKM/DShK	18	
	Zivilyan village	AKM/DShK	28	
	Fizuli district, Azerbaijan			
	Ahmadalilar	AK/AKM	13	
	Ashaghy Abdurrahmanly village	AK/AKM	90	
	Alkhanly village	AK	52	
	Horadiz village	AK/AKM	56	

Abbreviations: AK, Kalashnikov assault rifle; AKM, modernized Kalashnikov assault rifle; DShK, heavy machine gun; PKM, modernized Kalashnikov machine gun; RPG-7v, handheld anti-tank grenade launcher; 60-mm M, mortar.

* Settlements of the Republic of Azerbaijan included in this information are under occupation by the Republic of Armenia or situated close to the fire point areas.

<i>Dates</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damages</i>
	Opposite positions	AK/AKM	414	
	Shukurbayli village	AK/AKM	69	
	Gazakh district, Azerbaijan			
	Alibayramly village	AKM	2	
	Bala Jafarli village	AK/AKM	31	
	Dashsalahli	AK/AKM	46	
	Farahli village	AK/AKM	20	
	Gaymagly village	AK/AKM	46	
	Gushchu Ayrim village	AKM	12	
	Gyzylhajili village	AK/AKM	24	
	Kamarli village	AK/AKM	62	
	Mazam village	AKM	1	
	Musakoy village	AK/AKM	12	
	Shikhily village	AKM	2	
	Unnamed heights	AK	10	
	Gedebey district, Azerbaijan			
	Ayriyag village	AKM	1	
	Chalburun	AK	3	
	Daryurd village	AKM	1	
	Galakand village	AKM/DSHK	22	
	Gasimaghali village	AKM	23	
	Goyali village	AKM	25	
	Mutudara village	AKM	12	
	Novoivanovka village	AK/AKM	40	
	Novosaratovka village	AKM	5	
	Unnamed heights	AKM	12	
	Zamanly village	AKM/DSHK	55	
	Goranboy district, Azerbaijan			
	Balligaya village	AKM	3	
	Bashgishlag village	AKM/DSHK	7	
	Borsunlu village	AK/AKM/RPG-7v	77	
	Damirchilar village	AK	12	
	Gargujag village	AK/AKM	24	
	Gulustan village	AKM/DSHK/60-mm M	55	
	Gyrmyzysaggallar village	AKM	3	
	Kharkhaput village	AK/AKM	23	
	Opposite positions	AK/AKM	22	
	Tapgaragoyunlu village	AK/AKM	87	
	Unnamed heights	DSHK	7	
	Unnamed positions	AKM/DSHK	27	
	Yenikand village	AKM	55	
	Yukhari Agjakend village	AKM	3	
	Zeyva village	AKM	47	

<i>Dates</i>	<i>Direction (locality)</i>	<i>Weapons used</i>	<i>Number of ceasefire violations</i>	<i>Casualties and damages</i>
	Goygol district, Azerbaijan			
	Azgilli village	AKM	12	
	Bash Gishlag village	AKM	7	
	Gazandurmaz	AKM	2	
	Kurdalyar village	AKM/DSHK	26	
	Opposite positions	AKM	7	
	Pirverdilar village	AKM/DSHK	27	
	Jabrayil district, Azerbaijan			
	Jojug Marjanli village	AK	32	
	Lala Ilahi heights	AK	54	
	Opposite positions	AK/AKM	8	
	Khojavand district, Azerbaijan			
	Opposite positions	AK/AKM	274	
	Unnamed heights	AK/AKM/DSHK	10	
	Tartar district, Azerbaijan			
	Chayly village	AK/AKM	77	
	Damirchilar village	AK	12	
	Gapanly village	AK/AKM	77	
	Gaynag village	AK	2	
	Gazyan village	AK/AKM/60-mm M	17	
	Hasangaya village	AK/AKM	90	
	Husanli	AK	6	
	Huseynly village	AK	7	
	Jamilly village	AK	11	
	Karmiravan village	AK/AKM	20	
	Seyidimli	AK	2	
	Opposite positions	AK/AKM	118	
	Tazakand village	AK/AKM	23	
	Unnamed positions	AK	3	
	Tovuz district, Azerbaijan			
	Aghdam village	AK/AKM	69	
	Aghbulag village	AK	9	
	Alibayli village	AKM	19	
	Asryk Jirdakhan village	AKM/DSHK	4	
	Garalar village	AK/AKM	10	
	Hajaly village	AKM	1	
	Kokhanaby village	AK/AKM	41	
	Munjuglu village	AK/AKM	70	
	Unnamed heights	AKM/DSHK	13	



Security Council

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Letter dated 24 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith information bulletins from the Russian Federation Ministry of Defence regarding the status of implementation of the memorandum on the creation of de-escalation areas in the Syrian Arab Republic for the period 21–24 October 2017 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) V. Nebenzia



Annex to the letter dated 24 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Information bulletin from the Russian Federation Ministry of Defence regarding the status of implementation of the memorandum on the creation of de-escalation areas (21 October 2017)

Observance of the ceasefire regime

Monitoring groups have continued to monitor observance of the ceasefire regime as part of implementing the memorandum on the creation of de-escalation areas in the Syrian Arab Republic, signed by the Russian Federation, the Republic of Turkey and the Islamic Republic of Iran on 4 May 2017.

The situation in the de-escalation areas has been assessed as stable.

The Russian representative office of the Russian and Turkish Joint Commission reviewing issues related to violations of the ceasefire regime has reported five incidents of gunfire in the following governorates: three in Aleppo, one in Damascus and one in Homs.

The Turkish representative office has reported two violations: one in Homs Governorate and one in Ladhikiyah Governorate.

Most of the incidents of small arms being fired indiscriminately have been reported in areas controlled by fighters of the terrorist groups Nusra Front and Islamic State in Iraq and the Levant (ISIL).

Provision of humanitarian aid to the population of the Syrian Arab Republic

Over the past 24 hours, the Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic has carried out one humanitarian operation: the delivery of 2.3 tons of food products to the local population of Nasriyah in Damascus Governorate.

In total, 1,653 humanitarian operations have been carried out.

The total weight of humanitarian cargo delivered is 2,248.8 tons.

Over the past 24 hours, medical assistance has been provided to 90 residents.

In total, medical assistance has been provided to 60,712 residents.

Reconciliation of opposing sides

Over the past 24 hours, one ceasefire agreement has been signed with Kafr Nan in Homs Governorate.

The number of populated areas that have joined the reconciliation process has increased to 2,256.

Negotiations on joining the ceasefire regime have continued with armed opposition groups in Aleppo, Damascus, Hama, Homs and Qunaytirah Governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 234.

Information bulletin from the Russian Federation Ministry of Defence regarding the status of implementation of the memorandum on the creation of de-escalation areas (22 October 2017)

Observance of the ceasefire regime

Monitoring groups have continued to monitor observance of the ceasefire regime as part of implementing the memorandum on the creation of de-escalation areas in the Syrian Arab Republic, signed by the Russian Federation, the Republic of Turkey and the Islamic Republic of Iran on 4 May 2017.

The situation in the de-escalation areas has been assessed as stable.

The Russian representative office of the Russian and Turkish Joint Commission reviewing issues related to violations of the ceasefire regime has reported five incidents of gunfire in the following governorates: three in Aleppo, one in Damascus and one in Dar'a.

The Turkish representative office has not reported any violations.

Most of the incidents of small arms being fired indiscriminately have been reported in areas controlled by fighters of the terrorist groups Nusrah Front and ISIL.

Provision of humanitarian aid to the population of the Syrian Arab Republic

Over the past 24 hours, the Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic has carried out two humanitarian operations: the delivery of 1.7 tons to the local population of Zubaydah in Aleppo Governorate; and the delivery of 5 tons of food products to the local population of Jaba in Qunaytirah Governorate.

The total weight of humanitarian cargo was 6.7 tons.

In total, 1,655 humanitarian operations have been carried out.

The total weight of humanitarian cargo delivered is 2,254.5 tons.

Over the past 24 hours, Russian military paramedics have provided medical assistance to 354 persons.

In total, medical assistance has been provided to 61,066 residents.

Reconciliation of opposing sides

Over the past 24 hours, no ceasefire agreements have been signed.

The number of populated areas that have joined the reconciliation process has increased to 2,256.

Negotiations on joining the ceasefire regime have continued with armed opposition groups in Aleppo, Damascus, Hama, Homs and Qunaytirah Governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 234.

Information bulletin from the Russian Federation Ministry of Defence regarding the status of implementation of the memorandum on the creation of de-escalation areas (23 October 2017)

Observance of the ceasefire regime

Monitoring groups have continued to monitor observance of the ceasefire regime as part of implementing the memorandum on the creation of de-escalation areas in the Syrian Arab Republic, signed by the Russian Federation, the Republic of Turkey and the Islamic Republic of Iran on 4 May 2017.

The situation in the de-escalation areas has been assessed as stable.

The Russian representative office of the Russian and Turkish Joint Commission reviewing issues related to violations of the ceasefire regime has reported 10 incidents of gunfire in the following governorates: 4 in Damascus, 2 in Aleppo, 2 in Homs, 1 in Hama and 1 in Ladhqiyyah.

The Turkish representative office has reported five violations: four in Idlib Governorate and one in Damascus Governorate.

Most of the incidents of small arms being fired indiscriminately have been reported in areas controlled by fighters of the terrorist groups Nusra Front and ISIL.

Provision of humanitarian aid to the population of the Syrian Arab Republic

Over the past 24 hours, the Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic has carried out one humanitarian medical operation to Aleppo City in Aleppo Governorate.

In total, 1,656 humanitarian operations have been carried out.

The total weight of humanitarian cargo delivered is 2,254.5 tons.

Over the past 24 hours, medical assistance has been provided to 187 residents.

In total, medical assistance has been provided to 61,253 residents.

Reconciliation of opposing sides

Over the past 24 hours, two ceasefire agreements have been signed with Shir in Hama Governorate and Banah in Idlib Governorate.

The number of populated areas that have joined the reconciliation process has increased to 2,258.

Negotiations on joining the ceasefire regime have continued with armed opposition groups in Aleppo, Damascus, Hama, Homs and Qunaytirah Governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 234.

Information bulletin from the Russian Federation Ministry of Defence regarding the status of implementation of the memorandum on the creation of de-escalation areas (24 October 2017)

Observance of the ceasefire regime

Monitoring groups have continued to monitor observance of the ceasefire regime as part of implementing the memorandum on the creation of de-escalation areas in the Syrian Arab Republic, signed by the Russian Federation, the Republic of Turkey and the Islamic Republic of Iran on 4 May 2017.

The situation in the de-escalation areas has been assessed as stable.

The Russian representative office of the Russian and Turkish Joint Commission reviewing issues related to violations of the ceasefire regime has reported 11 incidents of gunfire in the following governorates: 6 in Aleppo, 3 in Damascus, 1 in Dar'a and 1 in Homs.

The Turkish representative office has reported four violations in the following governorates: one in Aleppo, one in Damascus, one in Dar'a and one in Hama.

Most of the incidents of small arms being fired indiscriminately have been reported in areas controlled by fighters of the terrorist groups Nusra Front and ISIL.

Provision of humanitarian aid to the population of the Syrian Arab Republic

Over the past 24 hours, the Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic has not carried out any humanitarian operations.

Over the past 24 hours, medical assistance has been provided to 85 residents.

In total, medical assistance has been provided to 61,338 residents.

Reconciliation of opposing sides

Over the past 24 hours, one ceasefire agreement has been signed with Izz al-Din in Homs Governorate.

The number of populated areas that have joined the reconciliation process has increased to 2,259.

Negotiations on joining the ceasefire regime have continued with armed opposition groups in Aleppo, Damascus, Hama, Homs and Qunaytirah Governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 234.



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Agenda item 99 (I)

**General and complete disarmament: Implementation of
the Convention on the Prohibition of the Development,
Production, Stockpiling and Use of Chemical Weapons
and on Their Destruction**

**Security Council
Seventy-second year**

**Letter dated 24 October 2017 from the Permanent Representative
of the Russian Federation to the United Nations addressed to the
Secretary-General**

I have the honour to transmit herewith an assessment of the Russian Federation regarding the investigative methods employed by the Organisation for the Prohibition of Chemical Weapons fact-finding mission in relation to an alleged incident involving the use of a chemical weapon in Khan Shaykun (Syrian Arab Republic) on 4 April 2017 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 99 (I), and of the Security Council.

(Signed) V. Nebenzia



Annex to the letter dated 24 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

[Original: English]

Assessment of the investigation methods of the alleged CW's use in Khan Shaykhun 4 April, 2017

On the Note by the OPCW Technical Secretariat (hereinafter "Secretariat") "Further clarifications why the OPCW Fact-Finding Mission did not deploy to Khan Shaykhun" (S/1545/2017 dated 17 October 2017, hereinafter "the Note").

It is well-known that investigations in cases of alleged use of chemical weapons should be conducted in accordance with the provisions of Part XI of the Annex on Implementation and Verification to the CWC and the procedures that are to be established by the Director-General (Part XI, Paragraph 1).

During the investigation samples of importance include toxic chemicals, remnants of munitions and devices, environmental and biomedical samples (Part XI, Paragraph 17). The baseline principle of an investigation is compliance with the chain of custody, set out in the CWC, the OPCW manual, including the Secretariat's document "The chain of custody and documentation for OPCW samples on-site", dated 12 August 2013, pursuant to which "in case that the integrity of a sample is questionable (when there has been a time when the sample was not under the OPCW custody) ... such a sample will not be accepted for OPCW verification purposes". As it is stated in the FFM report (S/1510/2017 dated 29 June 2017) this principle was not observed in relation to the samples made available by the interviewees ("lacking full chain of custody by the team"). So, to our regret, in accordance with the abovementioned document, we cannot accept the argument that "the FFM, as applicable, adheres to the most stringent OPCW guidelines and procedures, including those regarding chain of custody ... from the time of collection or receipt of evidence, including samples, by the FFM" (Paragraph 7 of the Note).

The only material evidence collected by the FFM experts (even those on the territory of a "neighbouring country") are biomedical samples. However they only testify that the victims suffered from Sarin or a Sarin-like substance. They do not provide any answers to the questions about where and under what circumstances that exposure happened, as well as who these people — (the "donors") actually were.

As it is stated in the Note the Director-General, referring to the unfavourable security situation, decided that the FFM would not undertake an on-site visit to Khan Shaykhun. So, the FFM "team could not ... observe, assess or record the location of the alleged incident, could not canvass directly for other witnesses, and could not collect environmental samples and/or remnants of the alleged munitions" (Paragraph 3.13 of the Report, S/1510/2017 dated 29 June 2017). Therefore the only conclusion is possible: the FFM did not succeed in obtaining key material evidence.

Hence all the other conclusions of its work are based not on primary but indirect evidence, the overwhelming majority of which was "kindly" provided to the FFM by individuals from the opposition forces hostile to the government of Syria and NGOs that had completely discredited themselves, such as the "White Helmets".

Bearing in mind that Paragraph 6 of the UN Security Council Resolution 2209 (2015) and Paragraph 7 of the UN Security Council Resolution 2235 (2015) contain

a call on all parties in Syria to extend their full cooperation to the OPCW Fact-Finding Mission, one can clearly state that the armed groups controlling the area where Sarin was used on April 4, 2017 and failing to provide access to the international experts were in reality not interested in conducting a full-fledged investigation. It is perplexing that in the report presented to the OPCW Executive Council and then transferred to the UN Secretary-General the FFM did not even mention the forces that had denied such an access to the team despite the assurances of the General Coordinator of the "High Negotiations Committee of the Syrian Opposition" Riyad Hijab addressed to the Chair of the UN Security Council.

Unlike Khan Shaykhun, the security conditions cannot in any case be used as a justification of the FFM refusal to visit the "Shayrat" airbase. As early as the beginning of April the Government of Syria gave official guarantees to provide a safe access to this facility. Moreover, Damascus demanded for such a visit to be organised immediately, thus confirming the readiness to comply with its obligations deriving from Paragraph 12 of the FFM Terms of Reference (Annex to the Note by the OPCW Secretariat S/1255/2015 dated 10 March 2015) and Paragraph 15 of Part XI of the Annex on Implementation and Verification to the CWC. It states clearly that "the inspection team (of the OPCW) shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons", as well as to "locations it deems relevant to the effective investigation of the alleged use of chemical weapons". Besides, as it is reasonably outlined in the Note (Paragraph 4), the requirement for the FFM "to study all available information relating to allegations of the use of chemical weapons in Syria" is also present in the OPCW Executive council decisions EC-M-48/DEC.1, dated 4 February 2015 and EC-M-50/DEC.1, dated 23 November 2015, as well as in the UN Security Council Resolution 2209 (2015). The latter documents provide the FFM with a much broader mandate than set out in its Terms of Reference. Nevertheless, the Mission did not even consider it necessary to analyse, confirm or disprove the information by some Member States about the alleged delivery of Sarine-filled munitions by Syrian planes from the "Shayrat" airbase.

The FFM clearly evaded fulfilling its mandate in the issue of providing Damascus with the duplicates of all the environmental and biomedical samples collected, according to the opposition, in Khan Shaykhun. The provision on handing the duplicates is enshrined in Paragraph 14 of the FFM Terms of Reference and Paragraph 18 of Part XI of the Annex on Implementation and Verification to the CWC. Specific procedures are regulated by the OPCW document titled: "Standard operating procedure off-site analysis of authentic samples" dated 1 November 2011. However this requirement has not been fulfilled, which in its turn prevents Syria from completing the national investigation of the incident in accordance with Article VII of the CWC.

The Convention demands from a State where the use of chemical weapons occurred to render assistance to the OPCW fact-finding activities. The Secretariat is supposed to create favourable conditions for the cooperation of the inspected State Party.

In the case of Khan Shaykhun, the Syrian side was practically deprived of the opportunity to render any assistance to the Secretariat in the part of the investigation that was conducted on the territory of a "neighbouring State", although it is an obligation of the Syrian Arab Republic under the Convention. The latter creates an impression: in the course of the investigation it was considered that the Syrian government was involved in this incident, whereas the FFM team is supposed to "refrain from any action or activity incompatible with their impartial and international nature of their duties", as envisaged in Paragraph 6 of the FFM Terms of Reference.

Furthermore, the establishment of identities of the interviewees (witnesses/victims) in a "neighbouring State" as well as their relation to the site of the chemical incident in Khan Shaykhun conducted without any involvement of the official authorities of the Syrian Arab Republic cause many questions as to the credibility of the data received from these persons.

Unfortunately, the Secretariat follows the abovementioned practice — in terms of its contacts with the Syrian Government — during the investigation of the alleged incident in the Syrian Al-Lataminah of March 30, 2017.

The investigation by the OPCW would have been more objective and thorough if the composition of the FFM in compliance with Paragraph 8 of the FFM Terms of Reference as well as with Paragraph 44 of the CWC (the Director-General responsibility in appointing the staff) had been formed in a balanced manner and on as wide geographical basis as possible. Contrary to the request of the Russian Federation at the 54th Meeting of the Executive Council, the Secretariat has not disclosed the list of countries, whose representatives are included in the Mission. Whereas it would seem very useful for the Executive Council to know whether the FFM has representatives of countries involved into the Syrian conflict.

Finally, the imperative of sending the OPCW inspectors to visit the "Shayrat" airbase stems even from the provisions of the decision taken at the 83rd Session of the Executive Council (EC-83/DEC.5, dated 11 November 2016), which was imposed on the Executive Council by some Member States through voting procedures. In accordance with Paragraph 10 of the abovementioned decision, "the Secretariat shall retain and promptly analyse any information or materials, including samples from the Syrian chemical weapons programme that it considers relevant to existing or future allegations of chemical weapons possession or use". In order to implement this decision the Director-General announced in his Report EC-86/DG.21, dated 21 September 2017, that the Secretariat had begun the process of analysing such information and materials, including samples. In this regard a question emerges, whether the unwillingness of the Secretariat to check the information about the presence of Sarin at the Syrian "Shayrat" airbase derives from the acceptance not only by the FFM but now by the Secretariat as well that there are no grounds to believe that the airbase is "relevant to the allegations of chemical weapons possessions or use"? If it is not the case, then the Secretariat would be well advised to immediately begin to implement the abovementioned provision of the decision, which would by default mean organising an inspection of the "Shayrat" airbase and collecting the relevant samples on site.

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**General and complete disarmament: implementation of
the Convention on the Prohibition of the Development,
Production, Stockpiling and Use of Chemical Weapons
and on Their Destruction**

**Letter dated 24 October 2017 from the Permanent Representative
of the Russian Federation to the United Nations addressed to
the Secretary-General***

I have the honour to transmit herewith an assessment of the Russian Federation regarding the investigative methods employed by the Organisation for the Prohibition of Chemical Weapons fact-finding mission in relation to an alleged incident involving the use of a chemical weapon in Khan Shaykun (Syrian Arab Republic) on 4 April 2017 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 99 (I), and of the Security Council.

(Signed) V. Nebenzia

* Reissued for technical reasons on 8 November 2017; previously issued under the symbol A/C.1/72/3-S/2017/897.



Annex to the letter dated 24 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

[Original: English]

Assessment of the investigation methods of the alleged CW's use in Khan Shaykhun 4 April, 2017

On the Note by the OPCW Technical Secretariat (hereinafter "Secretariat") "Further clarifications why the OPCW Fact-Finding Mission did not deploy to Khan Shaykhun" (S/1545/2017 dated 17 October 2017, hereinafter "the Note").

It is well-known that investigations in cases of alleged use of chemical weapons should be conducted in accordance with the provisions of Part XI of the Annex on Implementation and Verification to the CWC and the procedures that are to be established by the Director-General (Part XI, Paragraph 1).

During the investigation samples of importance include toxic chemicals, remnants of munitions and devices, environmental and biomedical samples (Part XI, Paragraph 17). The baseline principle of an investigation is compliance with the chain of custody, set out in the CWC, the OPCW manual, including the Secretariat's document "The chain of custody and documentation for OPCW samples on-site", dated 12 August 2013, pursuant to which "in case that the integrity of a sample is questionable (when there has been a time when the sample was not under the OPCW custody) ... such a sample will not be accepted for OPCW verification purposes". As it is stated in the FFM report (S/1510/2017 dated 29 June 2017) this principle was not observed in relation to the samples made available by the interviewees ("lacking full chain of custody by the team"). So, to our regret, in accordance with the abovementioned document, we cannot accept the argument that "the FFM, as applicable, adheres to the most stringent OPCW guidelines and procedures, including those regarding chain of custody ... from the time of collection or receipt of evidence, including samples, by the FFM" (Paragraph 7 of the Note).

The only material evidence collected by the FFM experts (even those on the territory of a "neighbouring country") are biomedical samples. However they only testify that the victims suffered from Sarin or a Sarin-like substance. They do not provide any answers to the questions about where and under what circumstances that exposure happened, as well as who these people — (the "donors") actually were.

As it is stated in the Note the Director-General, referring to the unfavourable security situation, decided that the FFM would not undertake an on-site visit to Khan Shaykhun. So, the FFM "team could not ... observe, assess or record the location of the alleged incident, could not canvass directly for other witnesses, and could not collect environmental samples and/or remnants of the alleged munitions" (Paragraph 3.13 of the Report, S/1510/2017 dated 29 June 2017). Therefore the only conclusion is possible: the FFM did not succeed in obtaining key material evidence.

Hence all the other conclusions of its work are based not on primary but indirect evidence, the overwhelming majority of which was "kindly" provided to the FFM by individuals from the opposition forces hostile to the government of Syria and NGOs that had completely discredited themselves, such as the "White Helmets".

Bearing in mind that Paragraph 6 of the UN Security Council Resolution 2209 (2015) and Paragraph 7 of the UN Security Council Resolution 2235 (2015) contain

a call on all parties in Syria to extend their full cooperation to the OPCW Fact-Finding Mission, one can clearly state that the armed groups controlling the area where Sarin was used on April 4, 2017 and failing to provide access to the international experts were in reality not interested in conducting a full-fledged investigation. It is perplexing that in the report presented to the OPCW Executive Council and then transferred to the UN Secretary-General the FFM did not even mention the forces that had denied such an access to the team despite the assurances of the General Coordinator of the "High Negotiations Committee of the Syrian Opposition" Riyad Hijab addressed to the Chair of the UN Security Council.

Unlike Khan Shaykhun, the security conditions cannot in any case be used as a justification of the FFM refusal to visit the "Shayrat" airbase. As early as the beginning of April the Government of Syria gave official guarantees to provide a safe access to this facility. Moreover, Damascus demanded for such a visit to be organised immediately, thus confirming the readiness to comply with its obligations deriving from Paragraph 12 of the FFM Terms of Reference (Annex to the Note by the OPCW Secretariat S/1255/2015 dated 10 March 2015) and Paragraph 15 of Part XI of the Annex on Implementation and Verification to the CWC. It states clearly that "the inspection team (of the OPCW) shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons", as well as to "locations it deems relevant to the effective investigation of the alleged use of chemical weapons". Besides, as it is reasonably outlined in the Note (Paragraph 4), the requirement for the FFM "to study all available information relating to allegations of the use of chemical weapons in Syria" is also present in the OPCW Executive council decisions EC-M-48/DEC.1, dated 4 February 2015 and EC-M-50/DEC.1, dated 23 November 2015, as well as in the UN Security Council Resolution 2209 (2015). The latter documents provide the FFM with a much broader mandate than set out in its Terms of Reference. Nevertheless, the Mission did not even consider it necessary to analyse, confirm or disprove the information by some Member States about the alleged delivery of Sarine-filled munitions by Syrian planes from the "Shayrat" airbase.

The FFM clearly evaded fulfilling its mandate in the issue of providing Damascus with the duplicates of all the environmental and biomedical samples collected, according to the opposition, in Khan Shaykhun. The provision on handing the duplicates is enshrined in Paragraph 14 of the FFM Terms of Reference and Paragraph 18 of Part XI of the Annex on Implementation and Verification to the CWC. Specific procedures are regulated by the OPCW document titled: "Standard operating procedure off-site analysis of authentic samples" dated 1 November 2011. However this requirement has not been fulfilled, which in its turn prevents Syria from completing the national investigation of the incident in accordance with Article VII of the CWC.

The Convention demands from a State where the use of chemical weapons occurred to render assistance to the OPCW fact-finding activities. The Secretariat is supposed to create favourable conditions for the cooperation of the inspected State Party.

In the case of Khan Shaykhun, the Syrian side was practically deprived of the opportunity to render any assistance to the Secretariat in the part of the investigation that was conducted on the territory of a "neighbouring State", although it is an obligation of the Syrian Arab Republic under the Convention. The latter creates an impression: in the course of the investigation it was considered that the Syrian government was involved in this incident, whereas the FFM team is supposed to "refrain from any action or activity incompatible with their impartial and international nature of their duties", as envisaged in Paragraph 6 of the FFM Terms of Reference.

Furthermore, the establishment of identities of the interviewees (witnesses/victims) in a "neighbouring State" as well as their relation to the site of the chemical incident in Khan Shaykhun conducted without any involvement of the official authorities of the Syrian Arab Republic cause many questions as to the credibility of the data received from these persons.

Unfortunately, the Secretariat follows the abovementioned practice — in terms of its contacts with the Syrian Government — during the investigation of the alleged incident in the Syrian Al-Lataminah of March 30, 2017.

The investigation by the OPCW would have been more objective and thorough if the composition of the FFM in compliance with Paragraph 8 of the FFM Terms of Reference as well as with Paragraph 44 of the CWC (the Director-General responsibility in appointing the staff) had been formed in a balanced manner and on as wide geographical basis as possible. Contrary to the request of the Russian Federation at the 54th Meeting of the Executive Council, the Secretariat has not disclosed the list of countries, whose representatives are included in the Mission. Whereas it would seem very useful for the Executive Council to know whether the FFM has representatives of countries involved into the Syrian conflict.

Finally, the imperative of sending the OPCW inspectors to visit the "Shayrat" airbase stems even from the provisions of the decision taken at the 83rd Session of the Executive Council (EC-83/DEC.5, dated 11 November 2016), which was imposed on the Executive Council by some Member States through voting procedures. In accordance with Paragraph 10 of the abovementioned decision, "the Secretariat shall retain and promptly analyse any information or materials, including samples from the Syrian chemical weapons programme that it considers relevant to existing or future allegations of chemical weapons possession or use". In order to implement this decision the Director-General announced in his Report EC-86/DG.21, dated 21 September 2017, that the Secretariat had begun the process of analysing such information and materials, including samples. In this regard a question emerges, whether the unwillingness of the Secretariat to check the information about the presence of Sarin at the Syrian "Shayrat" airbase derives from the acceptance not only by the FFM but now by the Secretariat as well that there are no grounds to believe that the airbase is "relevant to the allegations of chemical weapons possessions or use"? If it is not the case, then the Secretariat would be well advised to immediately begin to implement the abovementioned provision of the decision, which would by default mean organising an inspection of the "Shayrat" airbase and collecting the relevant samples on site.